Supreme Court, U.S.
FILED
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No. _____

In the

Supreme Court of the United States

Mrs. Tanya Meyer, Ph.D.,

Petitioner,

v.

Ronald Allen Meyer, Sr.,

Respondent,

ON PETITION FOR A WRIT OF CERTIORARI
TO THE ARIZONA COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

Mrs. Tanya Meyer, Ph.D.
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(520) 505-2842

QUESTIONS PRESENTED

1. Have the standards of due process as guaranteed by the United States Constitution been met by the courts in this case?
2. Is every one guaranteed protection of their fundamental rights under the law?
3. When a State and County deny fundamental rights to citizens of the United States, can they be held liable for their actions?
4. Is ARS 25-111 and 25-115 consistent with the State's purpose?
5. Is ARS 25-111 and 25-115 consistent with the constitutional provisions of the Arizona Constitution and the United States Constitution?
6. Does the Supreme Court provide remedies for abuse of judicial discretion that allows the abandonment of women and children by the people who have promised to love and support them (Is male or female fraud really the accepted law of our land if the courts say it is?)?
7. Are there remedies available to Mrs. Tanya Meyer, Ph.D. and Ronald Allen Meyer, Jr. under the laws of the state of Arizona and the United States that the court should have awarded them?

The names and address of the other parties are as follows:

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Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The opinion of the highest state court to review the merits appears at Appendix C and is unpublished.

The opinion of the appeals court to review the merits appears at Appendix A and is unpublished.

The date on which the highest state court decided my case was December 9, 1999. A copy of that decision appears at Appendix C.

A timely petition for rehearing was thereafter denied on December 29, 1999 by the clerk of the court and a copy of his letter denying rehearing appears at Appendix C.

JURISDICTION PER RULE 10

Rules of The Supreme Court of the United States

The date on which Division One of the Court of Appeals of the State of Arizona rendered its memorandum decision was October 8, 1999 appears in Appendix A.

The Arizona Supreme Court denied a timely petition for review on December 9, 1999. A copy of the decision appears in Appendix C.

The jurisdiction of this Court is invoked under 28 U.S.C. Section 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Mohave Superior Court of the State of Arizona made an order in violation of a prior court order, the preponderance of evidence before the court, the laws and the provisions of the Constitution of the State of Arizona and the United States denying fundamental rights to citizens of the United States and which constituted a serious abuse of judicial power and due process whose procedures were supported in modified form by the Court of Appeals of the State of Arizona; thus I, Mrs. Tanya Meyer, Ph.D., prayerfully request you review the decision in this case.

Our government's original foundation occurred in the Declaration of Independence issued by the Second Continental Congress, July 4, 1776. It states:

> WE hold these Truths to be self-evident, that all Men are created equal, **that they are endowed by their creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness- That to secure these Rights Governments are instituted** among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive to these Ends, it is the Right of the People to alter or abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient

> Causes; and accordingly all Experience hath shewn, that Mankind are more disposed to suffer, while Evils are sufferable, than to right themselves by abolishing the Forms to which they are accustomed. But when a long Train of Abuses and Usurpations, pursing invariable the same Object, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; and such is now the Necessity which constrains them to alter their former Systems of Government (App. G - 1)

Since the People of the Colonies had experienced a long series of governmental abuses, it was their intent to form a government that would protect them from such abuses. With this intent the Congress of the United States met on the fourth of March, 1789 to implement further protection of the People's rights and thus stated:

> The Conventions of a number of the States having at the time of their adopting the Constitution, **expressed a desire, in order to prevent misconstruction or abuse of powers,** that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution: (App. G - 23-4)

The Amendments to the Constitution were adopted for this purpose.

The United States Constitution had already defined what legislative powers were assigned to Congress (App. G - 12-14). These same restrictions were also to apply to the States, as the States derived their

powers over U.S. Citizens through association with the United States, preserving the rights of United States' Citizens as was the intent of the framers of the Constitution who had long suffered governmental legislated and judicial abuses. And thus,

> "The two main sources of law in the United States are judicial decisions, also called case law, and legislative enactments, also called statutory law or code law. In other words, our law comes from either judges or the legislature. However, underlying all of our law, whether case law or statutory law, is the United States Constitution. The Supreme Court of the United States is the final arbiter as to the constitutionality of any law.
>
> The Constitution provides that powers not delegated to the United States are reserved for the States. This means that each state may make its own laws regarding matters which are purely intrastate; however, if the state law violates the United States Constitution, it is invalid. Examples of such invalid laws can be found in the area of civil rights." P & Up, P. 5
>
> "The Constitution of the United States is the basic law of the land. All statutes passed by Congress or the state legislatures, ordinances of local government units and rules and regulations of boards of education are subject to the provisions of the Constitution of the United States." Reutter & Hamilton, P. 2

The Constitution of the United States of American, Article 1, Section 10 states:

> Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant letters of

Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver, Coin a Tender in Payment of Debts; pass any Bill of Attainder, **ex post facto law, or Law, impairing the obligations of Contracts, or.....**

"It will be remembered that the first 10 amendments to the federal Constitution constitute the Bill of Rights. Following the establishment of the Constitution it became apparent to our political leaders that perhaps the Constitution had created a federal government which unless its powers were restricted, might ride roughshod over civil rights of individual citizens..."Reutter&Hamilton, P.3

"The Fourteenth Amendment, Section 1 of the United States Constitution defines citizenship and specifies certain privileges which citizens of the United States have. Its provisions are as follows:

> All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. **No State shall make or enforce any law which shall abridge the privileges or immunities of Citizens of the United States; nor any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."** Laws of Public Education, P.5

The First Amendment was designed to insure certain basic personal freedoms or civil rights. It is as follows:

Congress **shall make no law respecting the establishment of religion or prohibiting the free exercise thereof; or abridging the freedom** of speech or of the press, or the right of the people peaceably to assemble, **& to petition the government for a redress of grievances...**

"By interpretation of the Supreme Court, the Fourteenth Amendment makes the provisions of the First applicable to the states. Thus, restrictions of the First and Fourteenth Amendment must be considered along with restrictions of the state constitution when examining the validity of a state statute..." Law of Public Education, P.5

" To illustrate Article 1, Section 10, of the United States Constitution providing that 'No State shall pass any ...Law impairing the obligation of contracts,' the United States Supreme Court has held that this clause prohibits the Legislature of New Hampshire from modifying a charter granted by King George III to Dartmouth College ... Nonetheless, by considering the purpose of the constitutional clause, and the presumed intention of the framers of the constitution, the court held that the charter was a contract within the meaning of the constitution." Calamari & Perillo, P.3

And thus the Constitution of the state of Arizona, Article 2, Section 25 states:

Section 25. No bill of attainder, **ex post facto law, or law impairing the obligations of a contract, shall ever be enacted.**

Arizona statutes, Article 2, Section 25, Note 6 states:

> **The obligation of contract is a law or duty which binds the parties to perform their agreement.** Tower Plaza Investments Ltd., v. Dewitt (1972) 109 Ariz. 248, 508 P.2 324, appeal dismissed 94 S. Ct. 853, 414 U,S. 1118, 38 L.Ed. 2d 746.
>
> **"Every contract involves at least one promise which has legal consequences.** The usual, but not the inevitable, legal consequence is that performance of the promise may be enforced in court by a decree for specific performance or a money judgment. The promissory element present in every contract is stressed in a widely quoted definition: ' **A contract is a promise, or set of promises, for breach of which the law gives a remedy, or the performance of which the law in some way recognizes as a duty.'...(1. Williston, Contracts, Section 1)...** While it is true that a promise is a necessary element in almost every contract, frequently the promise is coupled with other elements such as physical acts, recitals of fact, and the immediate transfer of property interests. In ordinary usage the contract is not the promise alone, but the entire complex of these elements...**Another common definition of a contract is that it is a legally enforceable agreement."**
>
> "The term 'contract' is also used by laymen and lawyers alike to refer to a document in which the terms of a contract are written. Use of this word in this sense is by no means improper so long as it is clearly understood that

rules of law utilizing the concept "contract" rarely refer to the writing itself. Usually, the reference is to the agreement; the writing being merely a memorial of the agreement." Calamari & Perillo, P. 1-3

"The **law of Contract** may be described as the endeavor of the State, a more or less imperfect one by the nature of the case, **to establish a positive sanction for the expectation of good faith which has grown up in the mutual dealings of men of average rightmindedness ... He who has given the promise is bound to him who accepts it, not merely because he had or expressed a certain intention, but because he so expressed himself as to entitle the other party to rely on his acting in a certain way." Calamari** & Perillo, P.9

The courts do not favor the destruction of contracts because of uncertainty, but will if feasible, construe agreements so as to carry into effect the reasonable intention of the parties, if that can be determined. Mag Constr. Co. v. McClean County, 181 N.W. 2d 718, 721 (N.D. 1970)

"Conversely, if they make it clear that the prospective writing is merely to be a convenient memorial of the agreement previously reached, the agreement is binding when reached even though the memorial is never adopted. 98(1 Corbin, Section 30; Williston, Section 28,28A) In this case a party's refusal to execute the memorial constitutes a breach of contract. 99(Restatement of Contracts (2d), Section 26. 1." C & P, P. 41

"When parties manifest their agreement by words the contract is said to be expressed. When it is manifested by conduct, it is said to be implied in fact." C&P, P. 19

Arizona Statues, Article 2, Section 25, Note 6, states:

A contract is "impaired" when a party is deprived of benefit of his contract by law.Id.

To have a constitutionally protected "impairment," the law must act on the contract itself as distinguished from property which is the subject of the contract. Id

Thus, any law which impairs the obligations of contracts that should bind parties to perform their agreement should be considered unconstitutional and not acceptable as part of the law of the land. Thus, it has never been the purpose of the state to legalize fraud or theft. Some further examples of how the Constitution can correct the application of unconstitutional statues are as follows:

Arizona Statute, Article 2, Section 25, 3-Parole eligibility, **ex post facto laws** Statutes detrimentally affecting parole eligibility are unconstitutional as applied to a prisoner charged with commission of a crime prior to enactment of those statutes. State v. Thomas (app.1982) 131 Ariz. 547, 642 P.2d 892; State v. Pendergraft (App.1979) 124 Ariz. 449, 604 P. 2d 1160; State v. Mendivil (1979) 121 Ariz. 600, 592 P.2d 1256.

Arizona Statutes, Constitution of Arizona, Article 2, Section 12 states:

> Protections of U.S.C.A. **Constitution Amendment 1 are extended not only to those whose religious beliefs are held by organized religions but also to individually held religious convictions.** In re Marriage of Gove (ap 1977) 117 Ariz. 324, 572 P. 2d 458.

Arizona Statute, Title 13, Section 13-3605, Note 1 states:

> 1. Marriage
> By the laws of Arizona a marriage may be established by contract between the parties without ceremony, and proof of such a marriage will sustain the charge of bigamy. U.S. v. Tenny (1886) 2 Ariz. 127, 11 P. 472. See, also, U.S. v. Christofferson (1886) 2 Ariz. 127, 11 P. 480.

An unconstitutional law in conflict with other Arizona Statutes that has been used to impair contractual rights of myself and our son's is as follows:

> Section 25-111 Requirement of License and Solemnization
> A. A marriage may not be contracted by agreement without a marriage ceremony.
> B. A marriage contracted in this state is not valid unless:
> 1. A license is issued as provided in this title, and
> 2. The marriage is solemnized by a person authorized by law to solemnize marriages, or by a person purporting to act in such capacity and believed in good faith by at least one of the parties to be so authorized.

Arizona Statute, Section 25-111 is a law found in the middle of a page in the middle of over 20,000 pages requiring initial procedures which should be found to be unconstitutional because it is a law being used to impair the rights of U.S. Citizens whose contracts are for marriage, a religious practice and belief; creating illegitimate children, the largest welfare roles, and when combined with A.R.S. 25-311-320 (App. F - 48-80) the highest rate of divorce in the history of our country; and allowing contractual commitments to be legally broken without recourse (legalized fraud) and **mandating procedures for marriage, a religious practice**. This statute appears to support a classification of contracts that renders contracts traditionally contracted between men enforceable; where as, similar contracts traditionally contracted between men and women are only enforceable under certain circumstances and to a limited extent, seriously impairing the rights of the parties involved including innocent children.

Arizona Statute Section 25-103 states the purposes of this title as follows:

> It is declared that the public policy of this state and the general purposes of this title are:
> 1. To promote strong families;
> 2. To promote strong family values.

Arizona Statutes, Section 25-381.01 Purposes of Article states:

> The purposes of this article are to promote the public welfare by preserving, promoting and protecting family life and the institution of matrimony, to protect the rights of children,

and to provide means for reconciliation of spouses and the amicable settlement of domestic and family controversies.

Since marriage should improve the human species, becoming a barrier against vice, a protection to woman and children, strength to man, and a center for the affections; the attainment of which would improve our progeny, diminish crime, and give higher aims to ambition; the offspring of the married as opposed to divorced inherit more intellect, better balance minds, and sounder constitutions, it would seem a good thing for husbands and wives to never separate (App. J).

Since it is a state function to improve the health, morals and intelligence of its citizens and to insure the obligations of contracts as a law or duty which binds the parties to perform their agreement as stated in the above statutes, it is hard to understand why a state would allow justices to declare certain marriage contracts "illegal" denying families, including children, their fundamental right to be a family simply because they are not a member of a specific Indian tribe or have originated their contract in a state that does not accept fraud as a legal way of life? It is hard to understand why a state would make marriage contracts so easily voidable when private contracts between citizens are not and when it is in fact the State's purpose to preserve their rights?

We, Ronald, Sr. and I, believed that the laws governing licensed marriages were wrong as they had been very unstable and expensive to us and our parents previously. We believed that our contract would provide the security and structure our family needed and that no law would deny. We both had a strong basis in contract law and believed it was legal to have a contract that regulated our relationship

(A.R.S. 12-601-2 and A.R.S. 25-112) and would later be recognized as a legal marriage as opposed to a licensed one which is so easily voided and terminated (Both our parents had made commitments to raise a family together and did so never divorcing , so we knew this concept was not unconscionable or impossible).

Webster Dictionary (p.729) defines marriage as

> "the state of being married... the institution whereby men and women are joined in a special kind of social and legal dependence for the purpose of founding and maintaining a family...an intimate or close union."

Marriages exist according to the agreements of the people who have decided to raise a family. Where there are children, and the parents are identified or identifiable, an intimate or close union is believed to be required, even if you are the Virgin Mary.

Redhail v. Zablocki (1976), 418 F. Supp. 1061, presented the following constitutional law:

1. 92k208(1) - Statutory classification are generally measured against the rational relationship test and are upheld if they are rationally related to some legitimate government interest.
   U. S.C.A. Const. Amend. 14.

2. 92K208(1) - If statutory classification impinges upon fundamental rights constitutes a suspect classification, it is subjected to strict scrutiny and can be upheld only if it is necessary to promote compelling governmental interests and is

narrowly drawn to express only such interests. U.S.C.A. Const. Amend. 14.

3. 92k82(10) - Individual interests involved in marriage are within the constitutional right of privacy.

4. 92K82(10) - There is a constitutionally protected right to marry which occupies status of a fundamental right.

5. 92K208(1) - Where a statutory classification is tested against requirements of strict scrutiny test, state bears burden of showing how compelling its interest may be.

Given these provisions of a marriage contract as a fundamental right and the constitutional provisions of no impairment of contracts, equal protection and due process, and the State's purpose to preserve, promote and protect family life and the rights of children, I believe that when this court reviews A.R.S. 25-111 and 25-301-320 with strict scrutiny, they will find these laws unconstitutional because they are being used to impair U.S. Citizens constitutionally protected rights to contract and to be a family, rights which this State and the United States are supposed to protect and preserve.

Other related cases include:

> Even in absence of a suspect classification, a statute is subject to strict scrutiny under a due process analysis if it infringes upon a fundamental right, that is, a right explicitly or implicitly guaranteed. Boyd v Bulala, 647 F. Supp. 781, reconsidered denied, 672 F. Supp. 915, affirmed in part, reversed in part, question certified 877 F. 2d 1191

When state statute infringes upon constitutional guarantees, interest which state seeks to secure must be compelling; burden is on government to show existence of such interest. Worrell Newspapers of Indiana, Inc. v. Westhafer, 739 F. 2d 1219, affirmed 105 S. Ct. 1155, 469 U.S. 1200, 84 L.Ed.2d 309.

First step in determining constitutionality of statute under contract clause is to determine whether state law has, in fact, operated as substantial impairment of contractual relationship, and the more severe the impairment of contract worked by the law, the greater is the level of scrutiny to be given it, and one consideration in determining whether impairment is substantial is extent to which reasonable expectations under contract are disrupted. U.S.C.A. Const. Art. 1, Section 1, clause1. Minnesota Ass'n of Health Care Facilities, Inc. v. Minnesota Dept. of Public Welfare, 742 F.2d 442, certiorari denied 105 S.Ct. 1191, 469 U.S. 1215, 84 L.Ed.2d 337.

The obligation of a contract is defined as the law or duty which binds the parties to perform their agreements, Home Bldg. & Loan Ass'n v. Blaisdell, 290 U.S. 398, 429 54 S.Ct. 231, 237, 78 L.Ed.413, 88 A.L.R. 1481, 1490 (1934), and a contract is impaired when a party is deprived of the benefit by law, Northern Pacific Ry. v. Minnesota ex rel. Duluth, 208 U.S. 583, 591, 28 S.Ct. 341, 343, 52 L.Ed. 630, 634 (1908).

But to have a constitutionally protected impairment, the law must act on the contract itself as distinguished from the property which is

the subject of the contract. Clement National Bank v. Vermont, 231 U.S. 120, 34 S. Ct. 31, 58 L.Ed. 147 (1913), aff'g, State v. Clement National Bank, 84 Vt. 167, 78 A. 944 (1911).

To impair the obligation of a contract, the statute must act upon the contract itself. Charles River Bridge v. Warren Bridge, 36 U.S. 420, 9 L.Ed 773.

Obligations of contract are impaired by law which renders them invalid, releases or extinguishes them, or derogates from substantial contractual rights. Home Bldg. & Loan Asso. v. Blaidell (1934) 290 US 398, 78 L.Ed 413, 54 S.Ct 231, 88 ALR 1481.

That due process requires, at a minimum that absent a countervailing state interest of overriding significance, persons forced to settle their claims of right and duty through judicial process must be given a meaningful opportunity to be heard...There can be no doubt that at a minimum they require that deprivation of life, liberty or property by adjudication be preceded by notice and opportunity for hearing appropriate to the nature of the case... That the hearing required by due process is subject to waiver, and is not fixed in form does not affect its root requirement that an individual be given an opportunity for a hearing before he is deprived of any significant property interest... Our cases further establish that a statute or a rule may be held constitutionally invalid as applied when it operates to deprive an individual of a protected right although its general validity as a measure enacted in the legitimate exercise of state power is beyond question... No less

than these rights, the right to a meaningful opportunity to be heard with in the limits of practicality, must be protected against denial by particular laws that operated to jeopardize it for particular individuals..Broddie v. Connecticut, 401 US 371 (3-2-71).

The components of due process include at least the following:

a. An opportunity to be heard.
b. Timely notice of petitions, motions, responses, etc. filed by the opposing party.
c. Judgments and orders consistent with all the laws and evidence that is or should be available to the court.

As the judicial officers of this court and legal system may remember, the purpose of the legal system of the State of Arizona is to provide justice and to administer the laws properly as to provide protection of fundamental rights for those who can't protect themselves against fraudulent and illegal actions. The officers of our courts (their judges and lawyers) are expected to conduct themselves according to the professional code of ethics, to conduct their affairs with integrity and to demonstrate a thorough knowledge of the laws of this State, to evaluate all State laws and their application with strict scrutiny for possible impairment of fundamental rights with the intent to eliminate any misconstruction or abuses of power to which governments are privy.

The protection of people's rights should not be dependent on their being wealthy and able to afford an attorney who is capable of knowing and does know all the laws the State legislators have passed. When the law of the states become so cumbersome that officers of the courts demonstrate an inability to

know and apply them without misapplication, misconstruction or abuse of power, it becomes unreasonable that their citizens should be required to know them and how to have them enforced, or to be punished by them or their inability to have them enforced.

> Courts of equity will protect those who are unable to protect themselves and those of whom undue advantage has been taken.-Smothers v. U.S. Fidelity and Guar. Co., 470 S. E. 2d 858.

May I remind the court that this is not a petition to the court for dissolution or annulment of marriage.

No one has petitioned this court or any other court for an annulment or a divorce under the laws of the state of AZ which would be required to rule on – validity of marriage nor has any evidence been presented that would clearly negate its validity according to this ARS 25-301 or ARS 25-302. (App. F - 43-47)

> 'When showing is made that a marriage has been celebrated, every act necessary to the validity of that marriage will be presumed in absence of proof to the contrary...Evidence to rebut the validity of a marriage must be sufficiently clear and conclusive as fairly to preclude any other result. P.1. Both the law and public policy favor matrimony and when it is once shown that a marriage has been celebrated, the contract, the parties capacity to enter into it, and in fact every act necessary to its validity, will be presumed, in the absence of proof to the contrary. The presumption that it was legal and valid in all respects is one of the strongest known to the law,***.' Kolombatovich

v. Magma Copper Co., 43 Ariz. 314, 318, 30 P.2d 832, 834. P.6

No evidence that the requirements of ARS 25-301-3 (App. F - 43-7) and 25-320 (App. F - 78) to dissolve this marriage has occurred and thus until this has occurred the martial relationship is a legal marriage until such time as this has occurred and remedies under these laws have been provided per 25-302-3 and 25-311-320 (App. F - 43-80).

This order would deprive fundamental rights of the plaintiffs, a mother and child, guaranteed by Arizona Statute and the Constitutions of the state of Arizona and the United States. Contrary to the religious convictions represented by the officers of this legal systems,

> It is not the law nor is it consistent with the State's purpose to render marriages in this state invalid and cast ugly suspicion upon the legitimacy of innocent children, and to deprive them of their rights to be raised by their parents as agreed. Levy v. Blakely (1931) 41 Ariz. 327, 18 P.2d 263 (App. F - 87-9) and Horton v Horton (1921) 198 P.2d 1105, 22 Ariz. 490. (App. E - 16-19)

The court was also expected to abide by the finalized court order issued in 1981 as a part of a divorce agreement. The insistence that I continue to be known as Mrs. Zappe is very disturbing to the real one who has two children by Fred Zappe, and she has made it known that it is not right since our agreement clearly states I was not to use the name Zappe. As is evident in this case, this is not a name I am choosing to use and have been attempting to terminate its usage for quite some time, but rather I am being forced to use it against a finalized court

order and other courts' recognition of my real name. Mrs. Tanya Meyer, Ph.D. is my name which is legal for me to use according to ARS 8-601 and 8-602, our contract, the defendant's usage of that name to pay bills, etc. and his prior insistence that I do so which I have done. It is wrong for officers of the legal system and representatives of the courts of the State of Arizona to continue to misrepresent their rights to force me to use a name which is in violation of a court order finalized in 1981 (App D). As is evidenced, other judges and other courts are beginning to recognize the need for this to be corrected (App. E). Because I was married and educated under that married name of Tanya Helen Zappe from 1971-1981, officers of the legal system and representatives of the State have misrepresented their rights to force me to use this name and I have been forced to comply against my wishes as is evidenced in this case. My desire to follow the 1981 court order and honor my agreement with Fred Zappe has allowed them to fail to serve me with papers because people either do not know this name, serve them on someone else, know that I am refusing to use this name, or don't recognize an erroneous version of the name. Officers of the legal system have also insisted that my name is Mrs. Field which it has never been (my mother died four years ago and my dad remarried perhaps invalidly). Please grant the real Mrs. Zappe, the real Mrs. Field, and me some relief from this abuse of authority which is creating undue hardship and constitutes harassment creating a hostile environment in which my son and I must live and work; **I do believe an order of protection is appropriate in this case, as has and is now being prayerfully requested.**

The consideration of this marriage as illegal or invalid violates ARS 25-301-2 (App. F - 43-7), 8-601 (App. F - 86-9), 25-201 (App. F - 32-4), 25-111 (note 1)

(App. F - 40) and 25-112 (App. F - 41) and the evidence that is before the court (App. I) and would render our child illegitimate which violates 8-601 (App. F - 86-9) and fail to provide equal protection to our child due to the confusion regarding the legality of my divorce and thus my subsequent marriage and our unwillingness to agree to no fault divorce and his father's current attempts to avoid his responsibilities.

> Under the equal protection approach currently utilized by the Court, statutory classifications are generally measured against the rational relationship test and are upheld if they are rationally related to some legitimate governmental interest. United States Department of Agriculture v. Moreno, 413 U.S. 528, 93 S.Ct. 2821, 37 L.Ed. 2d 782; San Antonio School District v. Rodriguez, 411 U.S. 1, 93 S. Ct. 1278, 36 L. Ed.2d 782 (1973).
>
> If, however, the classification impinges upon fundamental rights or constitutes a suspect classification, it is subject to strict scrutiny and can be upheld only if it is necessary to promote compelling governmental interests and is narrowly drawn to express only such interests. Roe v. Wade, 410 U.S.113, 155, 93 S. Ct. 705, 35 L.Ed.2d 147 (1973); Shapiro v. Thompson, 394 U.S. 618, 634, 89 S.Ct. 1322, 22L.Ed.2d 600 (1969).
>
> In our society, marriage has long been regarded as one of the most basic social institutions and the corresponding individual interests involved have been recognized as within the constitutional rights of privacy as enunciated in Roe v. Wade, supra, 410 U.S. at 152-153, 92 S. Ct. 705. As Mr. Ustice Douglas, writing for the

majority in Griswold v. Connecticut, 381 U.S. 479, 486, 85 S. Ct. 1678, 1682, 14 L.Ed2d 510 (1965), stated, "We deal with a right of privacy older than the Bill of Rights older than our political parties, older than our school system. Marriage is a coming together for the better or for worse, hopefully enduring, an intimate to the degree of being sacred. It is an association that promotes a bilateral loyalty, not commercial or social projects. Yet it is an association for as noble a purpose as any involved in our prior decisions." Its roots are firmly entrenched in the Judeo-Christian religious practices and beliefs (App j).

A.R.S. 25-111 mandate religious beliefs and practices on U. S. Citizens creating one of the most abusive forms of polygamy known to man (App. J). A long line of decisions make it evident that although not explicitly set forth in the constitution, there is a constitutionally protected right to marry and the children that the marriage produces to be protected. The State has assumed responsibility for regulating this relationship for the purpose of providing an enduring and stable environment for children to develop which should occupy the status of being a child's most protected fundamental right.

Since it has been well established that ***"Separate is not Equal"*** (App. J), this court needs to review ARS 25-111 (App F - 40) as it being abused to illegally render marriages void which may or may not be invalid in this state (this case and Moran v. Moran (App J 46-54) are good examples) and casting ugly suspicion upon the legitimacy of innocent children and denying them and their parents their fundamental rights to be a family like the ones that our parents and the laws provided for us, the foundation of which the state is

obligated to provide, and they are doing this without the due process and compensation the law requires per A.R.S. 25-301-3, legalizing fraud and other evils including the undue hardship on taxpayers which is obviously not consistent with State's purpose. (App. F - 25-6)

When Title 25, Article 1 is combined with Title 25, Article 2 all "marriage contracts" would constitute invalid contracts as they do not provide for mutuality of obligation nor do they respect the rights of the parties to the terms of their contract.

> Parties are free to contract as they please, and to make bargains which place one party at a disadvantage; however, contract must have mutuality of obligation, and an agreement which permits one party to withdraw at his pleasure is void. Shattuck v. Precision Toyota, Inc., 566 P. 2d 1332, 115 Ariz. 586.

A.R.S. 25-111and A.R.S. 25-311 (App. F - 48-80) is also inconsistent with states purpose, and the Constitution of the State of Arizona and of the United States and renders all marriage contracts invalid as it does not provide for mutuality of obligation, and accordingly must be given strict scrutiny when reviewed by the court. The belief that Title 25 is not unconstitutional can only be supported by judicial and legislative beliefs that fraud should be legal and should be an accepted practice in this state when it involves men and women and their children, but fraud should not be allowed when men might be able to perpetrate the crime against other men.

The courts order in this case allows the defendant to blatantly violate court orders, Arizona Revised Statutes and legalize his fraud without due process and appropriate remedies as required by law, negating our rights to our marital agreement or

contract thus impairing our rights under our contract which is unconstitutional.

May I remind the court that this is not a petition for dissolution of marriage per ARS 25-301-3 and 25-320. No one has petitioned this court or any other for an annulment or a divorce under the laws of the state of AZ which would be required to rule on validity of marriage nor has any evidence been offered that the requirements of ARS 25-301-3 (App. F - 43-48) and A.R.S. 25-320 (App. F - 78-80) or any other statute to legally terminate this marital relationship that has produced a child has been attempted or completed and until such time as this it is done, the marital relationship is a legal marriage and the rights pertaining thereto need to be respected.

This order cites a law which is in the middle of a page in the Arizona Revised Statutes that must be at least 20,000 pages long and impairs the fundamental rights of the parties to a contract, to be married, for their children to be considered legitimate simply because the marriage was not licensed in the State of Arizona (a classification that should be reviewed with Strict Scrutiny as it denies the equal protection of fundamental rights to United States Citizens based solely on geographical location and time (App. H) which is in violation of various Arizona and United States Statutes and the Arizona and United States Constitution and has facilitated the known perpetration of a fraud and has allowed the abandonment and abuse of a wife and their child without remedy, etc..May I also remind the court that they must apply any necessary remedy known to law and not forbidden by statute to protect a right whether the proceeding be called one in equity or probate. Sanders v. Sanders 79 P.2D 523, 52 Ariz. 156. May I also remind the court that a victim has the right to recover damages from a governmental entity

responsible for the intentional, knowing or grossly negligent violation of the victim's rights under the victim's bill of rights, article II, section 2.1, Constitution of Arizona (App. F - 81).

Has this lower court demonstrated ignorance of the laws and their purposes, or is it their intent to misrepresent, misconstruct, misapply or simply participate in the abuse of power which has given rise to appearance of the legality which victimizes citizens of the United States and denies fundamental rights to children and their parents to be a family as God created them? Misrepresentation of the laws which are applicable to this case should be avoided by the officers of the Court, even if they are reflective of their own political and religious affiliations, beliefs and practices.

Please grant us some relief from the illegal and fraudulent practices of which we are victims. Please review this case and provide us all the rights to have our contracts enforced, unimpaired.

STATEMENT OF THE CASE

Tanya Helen Field, Ph.D. and Ronald Allen Meyer entered into a marital agreement or contract consistent with Arizona Statute 8-601, 12-601-2, 25-201, 33-511, 63-111, 63-201, 25-101, 25-111-2, 25-301-3 in July of 1986. It was believed by all parties to be legal marriage agreement or contract, acknowledged by my mother, a notary, Sonia S. Field and was reaffirmed in many places within the first year including but not limited to Federal lands and airspace, Texas, Mexico, Baja California, etc. As with Tanya Helen Field's first marriage, this marriage was also to remain confidential until significant other

relatives could accept it. Unlike her first marriage, there was an agreement that there would be no divorce and that her husband would provide what she wanted including two children. Tanya Field Meyer, Ph.D. and Ronald Meyer's first child was born on September 28, 1989 and was named Ronald Allen Meyer, Jr.. In spite of the legality of their marriage being heavily disputed, the couple continued to maintain residences in Arizona, California, Alabama, etc. and raise their son there with Mrs. Tanya Meyer, Ph.D. having responsibility for the care and control of their son as agreed in their contract.

In spite of serious breaches of their contract, Mrs. Tanya Meyer, Ph.D. has continued to respect and attempt to enforce their marriage agreement and the responsible care of their son; however, Ronald Meyer, Sr. has on occasion used extraordinary means to avoid his obligations. This case demonstrates how the courts have empowered his abandonment of us and his recent attempts to force Mrs. Tanya Meyer, Ph.D., to be referred to as Tanya Zappe a modified version of a prior married name, Tanya Helen Zappe, under which she was educated and from which the courts released her in 1981 in a divorce agreement from her first husband. A recent credit report showed the existence of another Tanya Zappe who is using Mrs. Tanya Meyer, Ph.D.'s social security number, but appears to reside in Parker, not Lake Havasu City and Parker Dam and uses the married name of Tanya Field Zappe not Tanya Helen Zappe, Ph.D. (prior married name) or Mrs. Tanya Field Meyer, Ph.D. (current married name), or Tanya Zappe Meyer, Ph.D. as the courts were choosing to do as was the case with Mrs. Tanya Meyer, Ph.D..

This appeal concerned a petition for a recognition

of a change of name ordered by this court in 1981 and the correction of our son's birth certificate by Mrs. Tanya Meyer, Ph.D. with the Respondent being Ronald Meyer, Sr. The Petitioner requested relief from the insistence that she be addressed as Tanya Zappe or Tanya Zappa against a completed court order of which the judge and the Respondent had received copies. Evidence of Tanya's correct name was submitted to the court with her Petition for relief. The Respondent's attorney appears to have filed a response mailing it to Tanya Zappa. The response was not on record with the clerk when Mrs. Tanya Meyer, Ph.D. requested the court to order relief on November 30, 1998. On December 15, 1998 the judge issued the order and finalized the order on May 25, 1999 (Appendix B) after Mrs. Tanya Meyer, Ph.D. opening brief had been filed on March 19, 1999 and the Respondent had failed to respond which should have been held to constitute a confession of reversible errors. However, on September 15, 1999 the Court of Appeals rendered its decision (Appendix A) and on December 9, 1999, the Supreme Court of the State of Arizona refused to review the case (Appendix C).

During this time, the Respondent and his attorney began taking additional steps to limit my access to my records, etc. in the possession of my husband, Ronald Allen Meyer, Sr. The first order was entered in November, 1998 against Tanya Zappe and appealed by Mrs. Tanya Meyer, Ph.D. who was the person served under an erroneous name (the description does not coincide with my description and the allegations are obviously erroneous) but the lower courts allowed the order to stand under Mrs. Ronald Allen Meyer, Sr.'s and their son's protests. An appeal of this decision was made. Ronald Allen

Meyer, Sr. failed to respond to the appeal inspite of numerous attempts by the court and Mrs. Tanya Meyer, Ph.D. to encourage his involvement and a default judgment was entered. When the opening brief for this case was being prepared for the Court of Appeals and witness affidavits were being requested, Ronald Meyer, Sr. and his attorney requested a hearing which was denied and a new order of protection in La Paz County was ordered which made access of these materials even more difficult. In spite of the fact that they knew that Mrs. Tanya Meyer, Ph.D. was not being referred to as Tanya Zappe and that other people were, the court found that they had mailed notice of the hearing to Tanya Zappe, but that the Tanya Zappe they intended to receive it whose real name is Mrs. Tanya Meyer, Ph.D., was not the Tanya Zappe (a.k.a. Jamie Field) that received it even though she matches the description, and was from a company with whom Tanya Meyer had been ordered by this court not to communicate and was avoiding doing so. Later, the order was served by the police on Mrs. Tanya Meyer, Ph.D. again claiming she was Tanya Zappe or Mrs. Field. At a hearing on March 29, 1999, Mrs. Tanya Meyer, Ph.D. provided the court with additional evidence supporting her position that she was not attempting to harm her husband and the father of her child and had not taken steps to harass by phone or by presence and demanded that the courts respect the rights of herself and her son even though actions of legal authorities had in effect denied them their rights to community property and proper support of their child according to the original contract. She asked that the courts to return to her possession of the community property to which they are legally entitled according to their marital

agreement or contract. The judge instead supported his original order claiming the other matter was not before the court. An appeal of this decision was filed in advance of the service of the new order because of the abuse of judicial discretion, etc. that had been exercised in this county in the past. Mrs. Tanya Meyer, Ph.D. has also filed a counterclaim against Ronald Allen Meyer, Sr., etal., La Paz County, etal. and after appropriate response time filed a request that the court reach a decision and that all of these issues then be forwarded to the higher court. The judge issued said order to send the entire file; however the Court of Appeals chose not to review these issues and found that the lower court had acted justly according to laws of the State of Arizona on December 30, 1999. This decision was also appealed to the higher court and is pending.

REASONS FOR ALLOWING WRIT

Mrs. Tanya Meyer, Ph.D., Petitioner, prayerfully petitions the United Supreme Court to review of the above entitled matter due to the excessive abuse of discretionary judicial powers which violates the fundamental rights of a wife and child that were intended to be protected by Arizona's laws, its constitution and the United States Constitution.

The other reasons that supports this plea are as follows:

1. The lower courts have failed to review relevant issues and evidence submitted to them. The court has continued to claim this right based on a erroneous statement which the opposing party filed with the court and may

have sent to an erroneous person and is contradictory to evidence currently available to the court, prior court orders and the laws of the State of Arizona publishing erroneous orders and statements which denied the petitioner and their child fundamental rights including the right to be a family, to due process and equal protection under the laws of the State of Arizona.

2. The Supreme Court of the State of Arizona should have reviewed issues presented and awarded relief and remedy to Mrs. Tanya Meyer, Ph.D. and Ronald Allen Meyer, Jr..
3. Court officers have failed to follow Arizona Rules of the Supreme Court:
   A. ER 8.4 (a, c, d, e, and f)
   B. ER 3.3
   C. ER 3.4 (a)
   D. ER 4.1
   E. Rule 11 (a)
   F. Rule 42
   G. Rule 51 (e, k)
4. A judgment was issued in an unjust manner quoting a law whose constitutionality needs to be reviewed with strict scrutiny as its administration without consideration of other applicable statutes and its own notes has resultedin the denial of fundamental rights to petitioner and their children which should have been protected according to the laws of the State of Arizona.
5. The courts of the State of Arizona and its officers are legal representatives of the State of Arizona responsible for reviewing the actions of the lower courts. When this court fails to correct the actions of the lower court

with respect the rights of citizens of their state and of the United States and fails to order proper remedy, they assume responsibility for the damage that has resulted from their actions. Remedies need to be awarded the petitioner and their child.

6. The constitutionality of the laws as administered in the case in question needs to be reviewed because a wife and a child are BEING ABANDONED and ABUSED AS A RESULT OF ORDERS AND OTHER ACTS OF "LEGAL AUTHORITIES" WITH NO APPARENT REMEDY IN SITE. These orders do not conform to the State's purposes of minimizing fraud and providing a strong foundation for families and are causing undue economic and personal hardships on their victims, and thus should be subject to the strict scrutiny of the United States Supreme Court.
7. Since, Mrs. Tanya Meyer, Ph.D. and their son have been forced to maintained a residence in Lake Havasu City, being forcibly excluded from the other residences of "Ronald Allen Meyer, Sr.'s" in Riverside, CA. and the Parker Dam vicinity and other community resources, Mrs. Tanya Meyer, Ph.D. does not have the financial capacity to pay attorneys what they have demanded in this case. The equal protection of fundamental rights under the law should not require the intellectual capacity to be your own attorney, the political capacity to influence the courts, or the financial capacity to retain an attorney who has influence with the courts! Fundamental rights of the citizens

of the United States should not be defined by those who have the required legal expertise and influence. Selective law enforcement and interpretations which reflect the religious practices of a specific sector should not be a court inflicted practice in the United States giving apparent legality to fraud when there should be none.

8. ARS 25-111 and 25-115 are inconsistent with State's purpose in regulating fundamental rights and impair the rights of contracts, forcing the practice of religious customs practiced by a segment of the United States upon all those who reside in their state which prior laws respected resulting in widespread abandonment of wives and children and one of the cruelest and expensive forms of legalized polygamy known to man.

CONCLUSION

The abuse of judicial discretionary privilege by the lower courts needs to be reviewed and corrected by the United States Supreme Court if the fundamental rights of United States Citizens are not to be denied . States need to liable for the actions of its officers which are in violations of the purposes for which their statutes and constitutions were constructed (to protect women and children in their state who are unable to protect themselves). Due process and fundamental rights need to become a real possibility for those who are unable to protect themselves.

Please grant us some relief.

Prayerfully submitted for on or before review March 7, 2000 and resubmitted on or before May 1, 2000,

Mrs. Tanya Meyer, Ph.D.

Ronald Allen Meyer, Jr.
2581 Fremont Drive
Lake Havasu City, AZ 86406

Petitioner